

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BIRNAM WOOD CONDOMINIUM ASSOCIATION)	CASE NO.:
)	
Plaintiff)	JUDGE
)	
v.)	<u>NOTICE OF REMOVAL OF</u>
)	<u>DEFENDANT PEKIN INSURANCE</u>
PEKIN INSURANCE COMPANY,)	<u>COMPANY</u>
)	
Defendant)	

Now comes Defendant Pekin Insurance Company (“Pekin”), through counsel, and, pursuant to 28 U.S.C. §§ 1441(b) and 1446, hereby files this Notice of Removal, in the above-captioned action, to the United States District Court for the Southern District of Ohio, Eastern Division, from the Court of Common Pleas of Franklin County, where the action is pending before Judge Stephen L. McIntosh, in Case No. 24 CV 006221 (herein the “State Court Action”). Defendant Pekin states as follows:

1. On August 9, 2024 Plaintiff, Birnam Wood Condominium Association (“Birnam Wood”) filed its Complaint in the Franklin County Court of Common Pleas. (A copy of the Complaint is attached hereto as Exhibit A).
2. Defendant Pekin is the only defendant in the state court action. It received a service of summons by certified mail on August 12, 2024. (Franklin County August 13, 2024 Docket Entry).
3. Defendant Pekin is an Illinois Company, domiciled at 2505 Court Steet, Pekin, Illinois, 61558.

4. Upon information and belief, Plaintiff Birnam Wood Condominium Association is a non-profit corporation organized pursuant to O.R.C. § chapter 5311, with a principal place of business located at 8372 Muirfield Drive, Dublin, Ohio 43017.

5. This Court would have original jurisdiction over the state court action pursuant to 28 U.S.C. § 1332(a)(1), had it been filed in this Court initially.

6. Defendant Pekin states that there exists complete diversity of citizenship between Plaintiff Birnam Wood as an Ohio entity, and Defendant Pekin, as an Illinois entity. Per Plaintiff's Complaint, the amount in controversy exceeds \$75,000, as Plaintiff seeks insurance coverage in connection with a loss of multiple properties concerning a windstorm, allegedly exceeding \$1,000,000. Accordingly, Pekin is entitled to remove this action under 28 U.S.C. § 1441.

7. Defendant Pekin seeks to remove this state court action to this Court, and submits this Notice of Removal along with the attached exhibits in accordance with 28 U.S.C. § 1446.

8. This Notice of Removal is being filed within 30 days of service of Plaintiff's Complaint and is therefore timely filed pursuant to 28 U.S.C. § 1446(b).

9. Plaintiff will be provided with a written notice of the timely filing of this Notice of Removal, as required by 28 U.S.C. § 1446(d).

10. A copy of this Notice of Removal will be filed with the Clerk of Courts of the Franklin County Court of Common Pleas, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Pekin Insurance Company requests that this action proceed in the Southern District of Ohio, Eastern Division, as an action properly removed to it.

Respectfully submitted,

/s/John G. Farnan

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Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of September, 2024, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Copies were likewise emailed to opposing counsel. Parties may access this filing through the Court's system.

/s/ John G. Farnan

JOHN G. FARNAN